

By Representative Goode

1 A bill to be entitled
2 An act relating to unlawful campaign practices;
3 amending s. 104.271, F.S.; prohibiting a
4 candidate from making a false statement of
5 material fact about an opposing candidate;
6 providing a penalty; providing for complaints
7 alleging, and hearings on, such statements;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (2) of section 104.271, Florida
13 Statutes, is amended to read:

14 104.271 False or malicious charges against, or false
15 statements about, opposing candidates; penalty.--

16 (2) Any candidate who, in a primary election or other
17 election, ~~with actual malice~~ makes or causes to be made any
18 false statement of material fact about an opposing candidate
19 ~~which is false~~ is guilty of a felony of the third degree,
20 punishable as provided in s. 775.082, s. 775.083, or s.
21 775.084 ~~violation of this code~~. An aggrieved candidate may
22 file a complaint with the Division of Elections pursuant to s.
23 106.25. The division shall adopt rules to provide an expedited
24 hearing before the Florida Elections Commission of complaints
25 filed under this subsection. Notwithstanding any other
26 provision of law, the Florida Elections Commission shall
27 assess a civil penalty of up to \$5,000 against any candidate
28 found in violation of this subsection, which shall be
29 deposited to the account of the General Revenue Fund of the
30 state.

31 Section 2. This act shall take effect October 1, 1997.

154-240-97

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Provides that it is a third-degree felony for a candidate to make a false statement of material fact about an opposing candidate. Provides for an aggrieved candidate to file a complaint with the Division of Elections and for the division to adopt rules providing for an expedited hearing before the Florida Elections Commission. Provides for a \$5,000 civil penalty to be assessed by the commission in addition to any other penalty provided.